

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

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OHC-0653

SEP 14 1970

MEMORANDUM FOR: Legislative Liaison Officers

SUBJECT: OMB Bulletin No. 71-3, instructions  
pertaining to environmental impact  
statements

Enclosed for your information and use are copies of the recent OMB Bulletin No. 71-3, which deals with the use of existing review mechanisms in the preparation and submission of the environmental impact statements required under section 102(2)(c) of Public Law 91-190, the National Environmental Policy Act of 1969. As you are aware, the Council on Environmental Quality has issued interim guidelines to the agencies for the overall implementation of this statutory requirement.

I invite your attention, in particular, to part 2(a) of Bulletin No. 71-3, wherein the procedures to be followed with respect to legislation are set forth. As you will note, our objective is to use the existing legislative clearance process to the extent possible in the circulation of proposed environmental impact statements.

Any comments or questions you may have concerning these procedures should be brought to the attention of the staff of the OMB's Legislative Reference Division.

*Wilfred H. Rommel*

Wilfred H. Rommel  
Assistant Director for  
Legislative Reference

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BULLETIN NO. 71-3

August 31, 1970

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Proposed Federal actions affecting the  
environment

1. Purpose. This Bulletin establishes interim procedures to be followed by Federal agencies in taking or proposing certain actions coming within the scope of Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190). Section 102(2)(C) requires that, in connection with recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, Federal agencies shall prepare detailed statements concerning aspects of the environmental impact of the actions. Such statements are to be prepared after consultation with, and receipt of comments from, appropriate Federal, State, and local agencies. The Council on Environmental Quality has issued interim guidelines to agencies for implementation of this statutory requirement (35 F.R. 7390-7393). The guidelines provide detailed instructions for the preparation and content of environmental impact statements. The interim guidelines also refer to the issuance of these instructions by the Office of Management and Budget to provide for the utilization of existing review mechanisms for certain kinds of actions.

Based on the experience gained from the use of this Bulletin, Office of Management and Budget directives may be revised as appropriate.

2. Requirements.

a. Legislation. Each agency is responsible for identifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the statements

and receipt of the comments required under Section 102(2)(C). When there is doubt as to which is the principal agency concerned, agencies shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed Section 102(2)(C) statements and the required comments shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. At the same time, copies of this material shall be furnished directly to the Council on Environmental Quality for its information. As part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate Federal agencies, and will consult with the Council on Environmental Quality. In certain cases, the clearance process may disclose the need for a Section 102(2)(C) statement where none has been prepared; in this event, the Office of Management and Budget staff will request the appropriate agency to develop and submit such a statement.

After differences with other agencies over the legislative proposal or report have been resolved, and after the legislative proposal or report has been cleared by the Office of Management and Budget, the originating agency shall put the Section 102(2)(C) statement in final form (including such comments and views of the appropriate Federal, State, and local agencies as are pertinent). The final statement and comments shall accompany the proposal or report to the Congress as supporting material. Copies of this final material shall be furnished directly to the Council on Environmental Quality.

b. Annual budget estimates. For those agencies having major program actions with significant impact on the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs. In the case of programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment, special summary statements shall include relevant information about general

environmental impact and alternatives, and, to the extent possible, important environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include, in the form illustrated in Exhibit 1, the following information by appropriation or fund account:

Column A - Action, project, or activity. Identify the agency actions and individual projects and activities, and the amounts of funds involved, that are considered subject to Section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to Section 102(2)(C) and the amount involved.

Column B - Final statement completed. Check the appropriate category. If there are significant unresolved issues with other agencies, include a copy of the statement with the submission to the Office of Management and Budget.

Column C - Statement being prepared. Give the status (e.g., awaiting signature of the Secretary) and estimated completion date.

Agencies that prepare Section 102(2)(C) statements for annual authorizing legislation shall submit the proposed Section 102(2)(C) statements in lieu of a special summary statement required by paragraph 2b above, except that the information required for the special summary exhibit shall be submitted along with the proposed Section 102(2)(C) statement. Copies of the special summary statement or proposed Section 102(2)(C) statement (accompanied by information for the special summary exhibit) shall be furnished directly to the Council on Environmental Quality.

c. Water resource project reports. Project reports reviewed by the Office of Management and Budget pursuant to Executive Orders Nos. 9384 and 10654 often involve proposed actions that may require application of the Section 102(2)(C) procedures.

In such cases, the Section 102(2)(C) statement shall accompany the project report when the latter is referred for comments to interested Federal, State, and local agencies. The statement and the comments thereon shall accompany the project report when submitted to the Office of Management and Budget for review.

If planning on current projects is so far advanced that conforming with standard procedures in connection with Section 102(2)(C) would cause major problems, the agencies shall consult with the Natural Resources Programs Division to determine whether appropriate modifications of the procedures should be arranged.

All project reports on projects that are considered subject to Section 102(2)(C) procedures received after adjournment of the present session of the Congress will be returned to the proposing agency if the Section 102(2)(C) procedures have not been completed at the time of submission.

3. Review of Federal actions by State and local governments. As a part of the preparation of environmental impact statements, Section 102(2)(C) requires agencies to include the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards. The interim guidelines issued by the Council on Environmental Quality (35 F.R. 7390-7393) establish the procedures to be followed in obtaining Federal, State, and local review of proposed actions subject to Section 102(2)(C). In certain cases in obtaining State and local review of major Federal actions having impact on a specific locality, it will be appropriate for agencies to follow the procedures established in the Office of Management and Budget Circular No. A-95.

Pursuant to Part I of Circular No. A-95, a network of State, metropolitan and regional (non-metropolitan) clearinghouses has been established. These clearinghouses serve as review agencies for proposed Federal and federally supported development projects (including the acquisition, use and disposal of

Federal real property) and applications for Federal assistance under a wide variety of Federal programs. These reviews are concerned with the consistency of proposed projects with State, regional, and local plans and programs; with consideration of certain other factors, including development and conservation of natural resources, protection of areas of unique natural beauty, historical, or scientific interest; and with maintenance of high standards of design.

In the case of direct Federal development projects and projects assisted under programs listed in Attachment D of Office of Management and Budget Circular No. A-95, Federal agencies will utilize these clearinghouses in obtaining the views of State and local agencies required under Section 102(2)(C) procedures. In most cases the agency operating the clearinghouse function will not itself have the environmental responsibilities but will be utilized to obtain the required information from appropriate State or local agencies.

GEORGE P. SHULTZ  
Director

Attachment

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EXHIBIT 1  
Bulletin No. 71-3

STATUS OF SECTION 102(2)(C) STATEMENTS

DEPARTMENT OF GOVERNMENT  
Appropriation or Fund Account  
(Account identification code)

Column A	Column B		Column C
Action, Project or Activity	Final Statement Completed (Check one Column)		Statement being prepared
	Unresolved Issues	No Unresolved Issues	

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UNCLASSIFIED		CONFIDENTIAL		SECRET	
<b>OFFICIAL ROUTING SLIP</b>					
TO	NAME AND ADDRESS		DATE	INITIALS	
1	OPPB				
2					
3					
4					
5					
6					
ACTION		DIRECT REPLY		PREPARE REPLY	
APPROVAL		DISPATCH		RECOMMENDATION	
COMMENT		FILE		RETURN	
CONCURRENCE		INFORMATION		SIGNATURE	
<b>Remarks:</b>  FYI. Attached is a copy of an OMB bulletin with transmittal memo pertaining to environmental impact statements.  It is doubtful that any legislative proposal by the Agency would fall within the purview of the bulletin and that this would apply as well to annual budget estimates as elaborated. The basic public law for this issuance is also attached.					
FOLD HERE TO RETURN TO SENDER					
FROM: NAME, ADDRESS AND PHONE NO.				DATE	
<div style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></div> OLC <div style="border: 1px solid black; display: inline-block; width: 50px; height: 1.2em; vertical-align: middle;"></div> 7D35				25 Sept. '70	
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